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C O N F I D E N T I A L SECTION 01 OF 02 TEGUCIGALPA 001280

SIPDIS

STATE FOR NP/RA (JSMITH), PM, EB, WHA/PPC, AND WHA/CEN

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TAGS: [PARM](#) [PREL](#) [KNNP](#) [EWWT](#) [EAIR](#) [HO](#)

SUBJECT: HONDURAS - KEY QUESTIONS ON CARGO HANDLING

REF: STATE 55415

Classified By: Political Counselor Francisco Palmieri; reason 1.4 (h).

1. (C) Per reftel, answers to the key questions on cargo handling are provided below. Where appropriate, Post has provided clarification and context.

2. (U) Answers are listed in Q and A format:

I. Shipping/Cargo Manifests

Q. Are cargo manifests (or similar documentation) required in connection with the shipment of goods on board ships and aircraft:

- i. departing Honduras;
- ii. entering Honduras;
- iii. transiting Honduras, territorial sea and/or airspace?

A. Manifests must be filed with the Honduran Port Authority and Honduran Customs for all cargo departing, entering, or transiting Honduras via ship or aircraft.

Q. Are cargo manifests required to be completed by sea and air carriers registered within Honduras, even if they are engaged in trade outside of the country?

A. Yes (Comment: This system is entirely dependent upon the shipping agent and there appears to be little GOH oversight in this process. End Comment).

Q. When completing manifests, what level of detail is required in describing cargo being carried, including type and quantity?

A. The following manifest information is required by the GOH: Order/shipment number; type of cargo; quantity of cargo; how it was packed; weight of cargo; destination; cargo description; (if arriving by container) container number and dimension.

Q. What, if any, civil and/or criminal penalties exist in connection with the following (and do they allow for seizure of cargo as one potential penalty):

- i. failing to prepare a manifest;
- ii. failing to properly complete a manifest;
- iii. misrepresenting items listed on, or fraudulently completing, a manifest?

A. Normally, the GOH would give the importer an opportunity to correctly prepare the manifest. Criminal penalties do exist, however, for misrepresentation and fraud, including the seizure of cargo.

Q. Does Honduran law permit officials from another country, with the consent of Honduras, to detain individuals on vessels operating under the Honduran flag in international waters, based upon suspected violations of (a) Honduran law? (b) the other country's law?

A. a) yes; b) only if the other country has requested, and been granted, formal permission from the GOH. All such cases are handled on an ad hoc basis.

Q. In cases where such detentions occur, are there any specific requirements concerning how Honduras, or the other country, could assume jurisdiction over such individuals (e.g., would extradition or similar formal transfer process required)?

A. Extradition would be necessary to assume jurisdiction over detained individuals. Of note is that the extradition of Honduran nationals is prohibited by the Honduran constitution.

Q. What limitations exist in the Honduran criminal justice system on the introduction at trial against an accused of evidence that has been gathered by officials of another country? (e.g., are there situations in which officials of the other country would be required to testify or submit affidavits in order for such evidence to be admissible?)

A. Honduran law does allow for the testimony and/or evidence

collected by officials of another country to be included in court proceedings, but it would first have to be allowed by a judge. However, the foreign official would have to testify, as affidavits are not accepted.

II. Hazardous Cargo Requirements

1Q. Is Honduras implementing and enforcing mandatory international standards for cargo handling, stowage, marking, placarding, and labeling related to the shipment of dangerous goods by sea or air?

1A. Yes

1Q. What reporting requirements exist in Honduras to report hazardous cargo on board vessels entering Honduran ports/airports/territory?

1A. Depending upon the classification of the cargo and its destination, certain specific reporting requirements exist. All hazardous cargo entering Honduras must be reported using IMO and UN authorized forms, and IMDG codes, including identification numbers, product classification, destination, weight, and who in Honduras is responsible for the cargo.

1Q. What types of cargo are covered by such reporting requirements?

1A. In general, any cargo potentially dangerous to human health is considered hazardous by the GOH, including: chemicals, pharmaceuticals, petroleum, other fuel products and lubricants, and their derivatives, or anything associated with firearms and ammunition. Other specific items are also required to be reported depending on the end-user, such as hospital supplies.

1Q. What, if any, reporting requirements exist in Honduran law for vessels transiting the territorial sea, airspace, or territory to report hazardous cargo?

1A. All hazardous cargo transiting Honduras must be reported in advance to Honduran Customs including cargo manifest information. Cargo not cleared in advance by Honduran Customs is delayed until the proper paperwork has been filled.

1Q. What penalties exist for failure to report such cargo when entering Honduran port/airport/territory (e.g., seizure of the vessel, seizure of the cargo, criminal penalties against the ship's Master or crew, etc)?

1A. Honduran authorities would normally detain the cargo and crew until the proper procedures are followed for importing hazardous cargo. Any party to the transaction, including the Honduran importer, booking agent, and the ship's captain/crew can be held responsible for failure to report hazardous cargoes entering Honduran ports. Honduran law does permit for the seizure of the cargo and criminal penalties against those involved in the transaction.

13. (C) Comment: Because of its geographic location and weak law enforcement, Honduras remains a major transshipment zone for illegal narcotics and other contraband. People are smuggled or trafficked through Honduras, and there are regular reports of stowaways trying to immigrate illegally to the U.S. on ships. Also, due to a lack of sufficient resources/training for customs officials, endemic corruption, and considerable impunity for members of the economic, military, and official elite, customs fraud is believed to be widespread in Honduras. Honduran law and regulations do allow for civil/criminal proceedings against customs fraud, however, for the reasons outlined above, perpetrators have little to fear from GOH officials. End Comment
Palmer